

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.5640 of 2007

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Date: 22.03.2007

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Between:

Ganto Mallekeswar

....Petitioner

and

The District Registrar, Registration and
Stamps Department, Visakhapatnam and others

....Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.5640 of 2007
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ORDER:

The petitioner states that a General Power of Attorney was executed in his favour on 3.2.1992, in respect of the land, covered under Patta No. 153 in an extent of 7,555 sq. yards situated at Adavivaram village, Visakhapatnam District. According to him, the said General Power of Attorney was presented to the respondents for registration. The grievance of the petitioner is that the respondents are not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the lands in the said survey numbers. This writ petition is filed seeking appropriate directions to the respondent in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***^[1].

Once the sole basis for the 2nd respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the respondents to receive and process the documents presented by the petitioner and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

L.NARASIMHA REDDY, J

22nd March, 2007.

Note: CC in three days.

Bo cvm

[\[1\]](#) AIR 2005 SC 3401 = (2005) 12 SCC 77